

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

4 DeANDRE D. HARRIS,

Case No. 2:22-cv-00661-ART-NJK

5 Petitioner,

ORDER

6 v.

7 CALVIN JOHNSON, *et al.*,

8 Respondents.

10 This habeas corpus actions, pursuant to 28 U.S.C. § 2254, was initiated
11 on April 21, 2022, by DeAndre D. Harris, who is incarcerated at Nevada's High
12 Desert State Prison. Harris's habeas petition (ECF No. 1-1), received by the Court
13 on April 21, has not been filed because the matter of payment of the filing fee has
14 not been resolved.

15 Harris filed an application to proceed in forma pauperis on April 21, 2022
16 (ECF No. 1), but that application was incomplete because it did not include the
17 required financial certificate (*see* LSR 1-2), and it was denied on that ground (ECF
18 No. 3). The Court gave Harris 60 days to either pay the \$5 filing fee or file a new,
19 complete application to proceed in forma pauperis.

20 On June 10, 2022, Harris filed a second application to proceed in forma
21 pauperis (ECF No. 4). Attached to that application are financial certificates,
22 signed by prison officers, dated April 21, 2022 (ECF No. 4 at 5) and March 24,
23 2022 (ECF No. 4 at 14). The Court notes that each of those financial certificates
24 is out of date; LSR 1-2 requires that the financial certificate supporting an
25 application to proceed in forma pauperis cover the six months prior to submission
26 of the application. *See* LSR 1-2. Though out of date, the financial certificates
27 submitted by Harris indicate that he is able to pay the \$5 filing fee. The Court
28 will deny Harris's in forma pauperis application on this ground.

1 **IT IS THEREFORE ORDERED** that Petitioner's Application to Proceed in
2 Forma Pauperis (ECF No. 4) is **DENIED**. Harris will have 60 days to either pay
3 the \$5 filing fee or file a new application to proceed in forma pauperis. If Harris
4 does neither within this 60-day period, this action will be dismissed without
5 prejudice.

6 DATED THIS 14th day of June 2022.

From Russell Benn

ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE